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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,795	08/16/2001	Rima Rozen	04844/005005	3757

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EXAMINER	
MYERS, CARLA J	

ART UNIT	PAPER NUMBER
1634	

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/931,795	ROZEN, RIMA	
	Examiner	Art Unit	
	Carla Myers	1634	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on *19 March 2004*. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

   (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☒ Newly proposed or amended claim(s) *29,36,45,48-53,55-57 and 332* would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☒ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *29,32-36,45,48-53 and 55-64*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Carla Myers

CARLA J. MYERS
PRIMARY EXAMINER

Continuation of 2. NOTE: the amendment to add new claims 58 -64 raises new issues under 35 U.S.C. 112 first paragraph. .

Continuation of 5. does NOT place the application in condition for allowance because: for the reasons of record in view of the non-entry of the after final amendment. Further it is noted that the 131 Declaration submitted After Final has not been entered and has not been considered. Applicants have not provided a showing of "good and sufficient reasons" as to why the declaration was not presented earlier.See 37 CRF 1.195. In summary, Applicants assert that since the MTHFR C677T mutation is associated with schizophrenia and with increased homocysteine levels, "it is reasonable to expect that methods that normalize levels of homocysteine, such as increasing plasma folate levels, would prevent or delay a schizophrenia associated with an MTHFR C677T mutation." However, Applicants have not provided sufficient evidence to support such a conclusion. Schizophrenia is a very complex disease, whose etiology is not fully understood. While the art suggests that schizophrenia may be associated with abnormal development of the brain and that lowered plasma folate and hyperhomocysteinemia may contribute to the occurrence of schizophrenia, there is no evidence that schizophrenia can be prevented or delayed by treatment with folic acid therapy. Applicants have not established that folate levels alone cause schizophrenia such that treatment with folate can prevent or delay the occurrence of schizophrenia. Further, there are no teachings in the specification as to how such therapy could be effectively performed. At what age should can an individual predisposed to schizophrenia be given folic acid therapy in order to achieve the outcome of preventing or delaying schizophrenia? If abnormal brain development does lead to schizophrenia, can such therapy be administered at, for example, 20 years of age and result in the reversal of all neurological defects? A showing of an association between plasma folate levels and the occurrrence of schizophrenia does not establish that schizophrenia is caused by low plasma folate levels alone or that schizophrenia can be prevented or delayed by folic acid therapy. Accordingly, arguments presented by Applicants or statements presented in a declaration that "one would expect" that treatment with folic acid would delay or prevent schizophrenia are not sufficient to establish that folic acid therapy is actually effective at preventing or delaying schizophrenia .